

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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JAMES MCCUSKER,

Plaintiff,

v.

HIBU PLC, *et al.*,

Defendants.

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Civil Docket No. 2:15-cv-2659

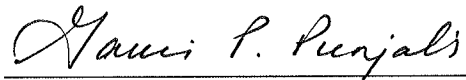
NOTICE OF DEFENDANTS' PARTIAL MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law in Support of Defendants' Partial Motion to Dismiss and Affidavit of Gauri P. Punjabi and exhibits attached thereto, Defendants hibuproducts plc, hibuproducts Inc. and Michael Pocock ("Defendants") will move to dismiss with prejudice Count II of Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6). Plaintiff's defamation claim should be dismissed because it fails to state a claim upon which relief can be granted.

The briefing schedule for this Motion was agreed upon by the parties and ordered by the Court on June 29, 2015.

Defendants request oral argument on their Motion.

Dated: July 17, 2015



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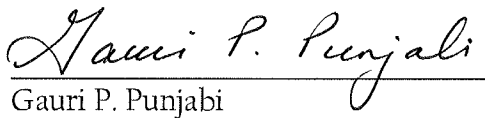
*Counsel for Defendants hibu plc, hibu Inc. and  
Michael Pocock*

CERTIFICATE OF SERVICE

I, Gauri P. Punjabi, hereby certify that this Motion and its accompanying Memorandum of Law and Affidavit of Gauri P. Punjabi were served on counsel for the Plaintiff on July 17, 2015 via e-mail and U.S. First Class Mail:

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Dated: July 17, 2015

  
Gauri P. Punjabi